

# Public Notice

U.S. ARMY CORPS OF ENGINEERS

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**Subject:** Public Notice of Permit Application

**RECEIVED**

**Action ID:** SPK-2008-00268-UO

**MAR 28 2011**

**Comments Period:** March 23 - April 15, 2011

**DIV. OF OIL, GAS & MINING**

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to extend the Great Salt Lake Minerals Inlet Canal, which would result in impacts to approximately 7.28-acres of waters of the United States, including wetlands, in or adjacent to Great Salt Lake. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated by the Corps under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and by the State of Utah for 401 water quality certification.

**APPLICANT:** Corey Milne  
Great Salt Lake Minerals Corporation  
765 North 10500 West  
Ogden, Utah 84404

**AGENT:** Terry Huffman, PhD  
Huffman-Broadway Group  
828 Mission Avenue  
San Rafael, CA 94901

**LOCATION:** The project site is located in the Great Salt Lake in Sections 11, 12, 14, 15, and 16, Township 7 North, Range 10 West, Latitude 41.3404°, Longitude -112.9615°, Box Elder County, Utah, and can be seen on the Hogup Ridge North and Gunnison Island Southwest USGS Topographic Quadrangles. The intake canal originates in Gunnison Bay and extends southwest to Pump Station 113. The canal is currently approximately 20,750 feet long.

**PROJECT DESCRIPTION:** The applicant, Great Salt Lake Minerals (GSLM), is proposing to extend the existing Pump Station 113 intake canal up to 8,000 feet to be completed only as necessary, as lake levels dictate, over the next 6 years. In December 2008, the Corps issued a previous permit authorization for extension of the canal up to 10,000 feet, but only a 2,000-foot extension was completed because the Utah Division of Forestry, Fire and State Lands (FFSL) limited the canal extension to only the length that was deemed necessary in 2009. The earlier Corps authorization expired in December 2009. The applicant believes there is a need to extend the canal in 2,000-foot increments annually, with future extensions in 2,000-foot increments thereafter up to a total additional extension of 8,000 feet. The extension work would occur only as necessary, depending on the water level in the North Arm for the year being evaluated, and with approval of FFSL.

The intake canal transports brine water from the North Arm of the Great Salt Lake to the existing west solar evaporation pond complex located in Clyman Bay. According to the applicant, because of the historically low water level in the Great Salt Lake, the canal needs to be extended 2000 feet in 2011 in order to ensure continued support of the existing solar pond capacity and to allow continued production of sulfate of potash and other minerals by GSLM. Additionally, GSLM indicates that expected continued drought conditions and anticipated low water levels would necessitate additional extensions of the existing canal. The canal would be extended by dredging with backhoes and sidecasting the excavated material on each side to create a spoil berm. The extension



of the canal would be deepened and widened to the same widths as the existing canal (50-ft at the surface and 28-ft at the bottom of the canal), with the depth being shallower as it proceeds further into Gunnison Bay (depth will vary from 11 feet to 6 feet as the canal extends further into the lake). For every 2,000-foot extension authorized, the surface area that the dredge spoil berms would occupy is approximately 1.82 acres and the disturbed area that would be dredged would be approximately 2.3 acres, for a total disturbed area of approximately 4.12 acres. If the entire 8,000-foot extension were authorized, this would result in approximately 16.48 acres of disturbed water (including 7.28 acres of discharge of fill material in waters of the US and 9.2-acres of dredged areas).

The applicant is also requesting authorization for future maintenance dredging of the intake canal over the next 6 years. The dredging work would be limited to the canal's existing dimensions and the material would be sidecasted onto the existing spoil berms on each side of the canal. Maintenance would occur in different sections of the canal on a rotating basis, as the salt deposition level (NaCl) increases to a depth of 1-2 feet and begins to restrict flow. The salt excavation work would be conducted by backhoes and would be discharged along the sides of the existing spoil berms. The applicant states the excavated salt would eventually dissolve back into the water.

Based on the available information, the overall project purpose is to improve water intake and transport. According to the applicant, the need to extend the existing intake canal for the above stated purpose is due to the current historically low-water level in the Great Salt Lake. The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 22 acres of seasonally/sporadically inundated playa lakebed within the project area. The site is characterized by seasonally/sporadically inundated playa lakebed on the north and east of the project boundaries. Existing solar evaporation ponds containing highly concentrated brine and salt covered bottoms are located to the south of the canal with arid, high elevation desert habitat containing sagebrush and grasslands located to the west. Due to the past drought conditions, the playa lakebed in the project area has been functioning predominantly as seasonally wet playa habitat but would be mostly inundated under normal lake levels.

Wildlife use in this area of the proposed project is largely unknown due to lack of data. However, Gunnison Island located approximately 4.2 miles to the east contains one of the few remaining white pelican colonies in North America. Additionally, snowy plover have been observed in the area nesting adjacent to the dikes and foraging in the seep areas located at or below normal lake levels.

**Alternatives.** In the previously issued permit for the initial canal extension, the applicant did provide an alternatives analysis. For this application of canal extension, the applicant has not provided updated information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has purchased 2.28 credits from the Machine Lake Mitigation Bank for impacts associated with this project proposal. This purchase was proposed with the initial canal extension project permitting in 2008 and would be used for the entire 10,000-foot extension. No other mitigation efforts have been proposed by the applicant.



**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Utah is required for this project. The Utah Division of Water Quality intends to issue certification provided that the proposed work will not violate diffuse sources (non-point) sources of wastes which will occur during the actual construction activity and where best management practices would be employed to minimize pollution effects. Written comments regarding water quality issues should be submitted to Bill Damery at the Utah Division of Water Quality, 288 North 1460 West, PO Box 144879, Salt Lake City UT 84114-4870, telephone 801-538-6516, email [wdamery@utah.gov](mailto:wdamery@utah.gov). Comments should be submitted to the Division by **April 21, 2011**.

**HISTORIC PROPERTIES:** The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act as there are no known species observed in the area nor is there any habitat species listed to occur in Box Elder County. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2008-00268-UO must be submitted to the office listed below on or before **April 15, 2011**.

John Derinzy, Project Manager  
US Army Corps of Engineers, Sacramento District



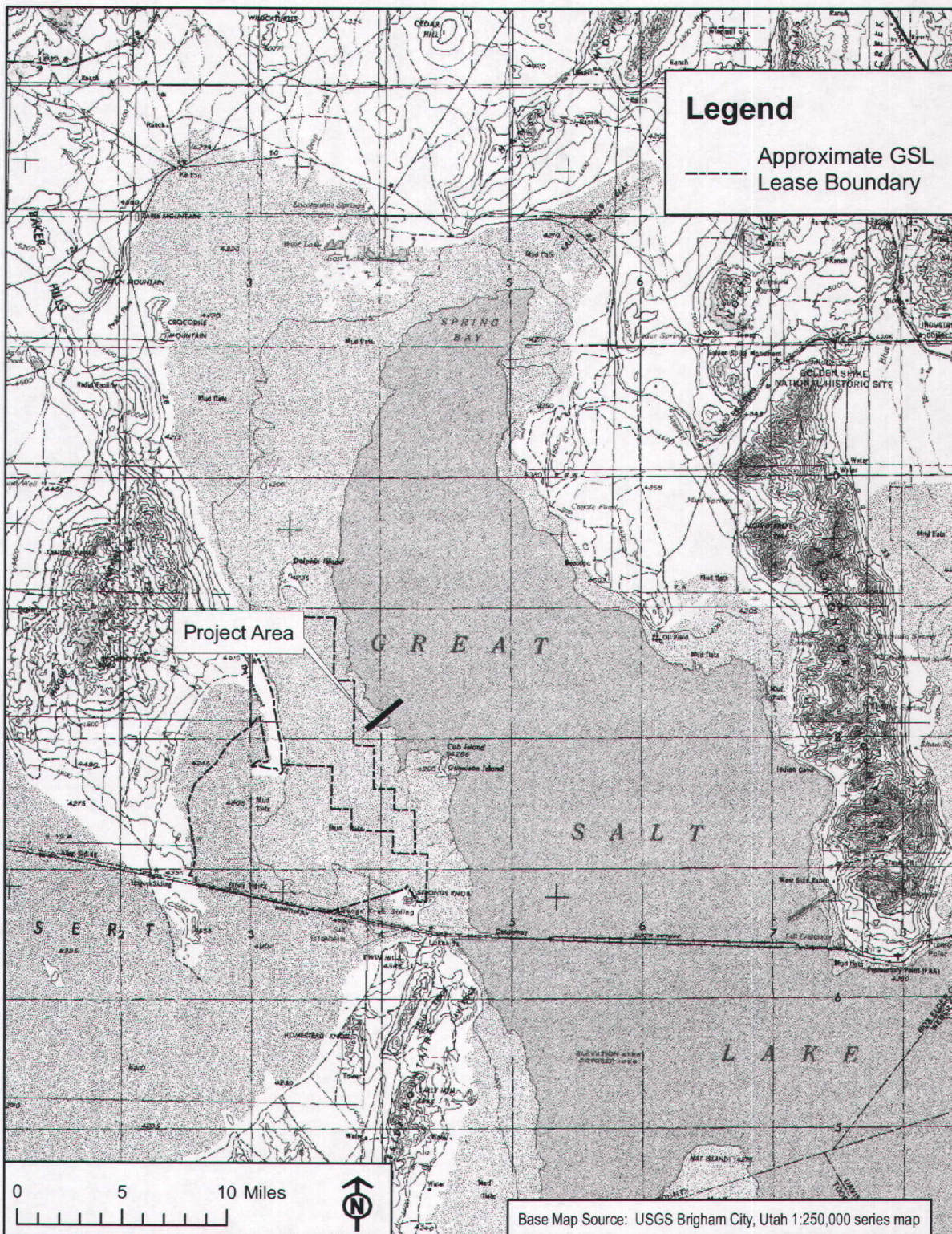
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010  
Email: [john.w.derinzy@usace.army.mil](mailto:john.w.derinzy@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager John Derinzy, 801-295-8380, extension 13, or email [john.w.derinzy@usace.army.mil](mailto:john.w.derinzy@usace.army.mil).

Attachments: 5 drawings

- Project Vicinity Map
- Project Location Map
- Detailed Project Location map
- Section A-A', Typical Intake Canal Excavation Diagram
- Section B-B', Typical Intake Canal Excavation Diagram



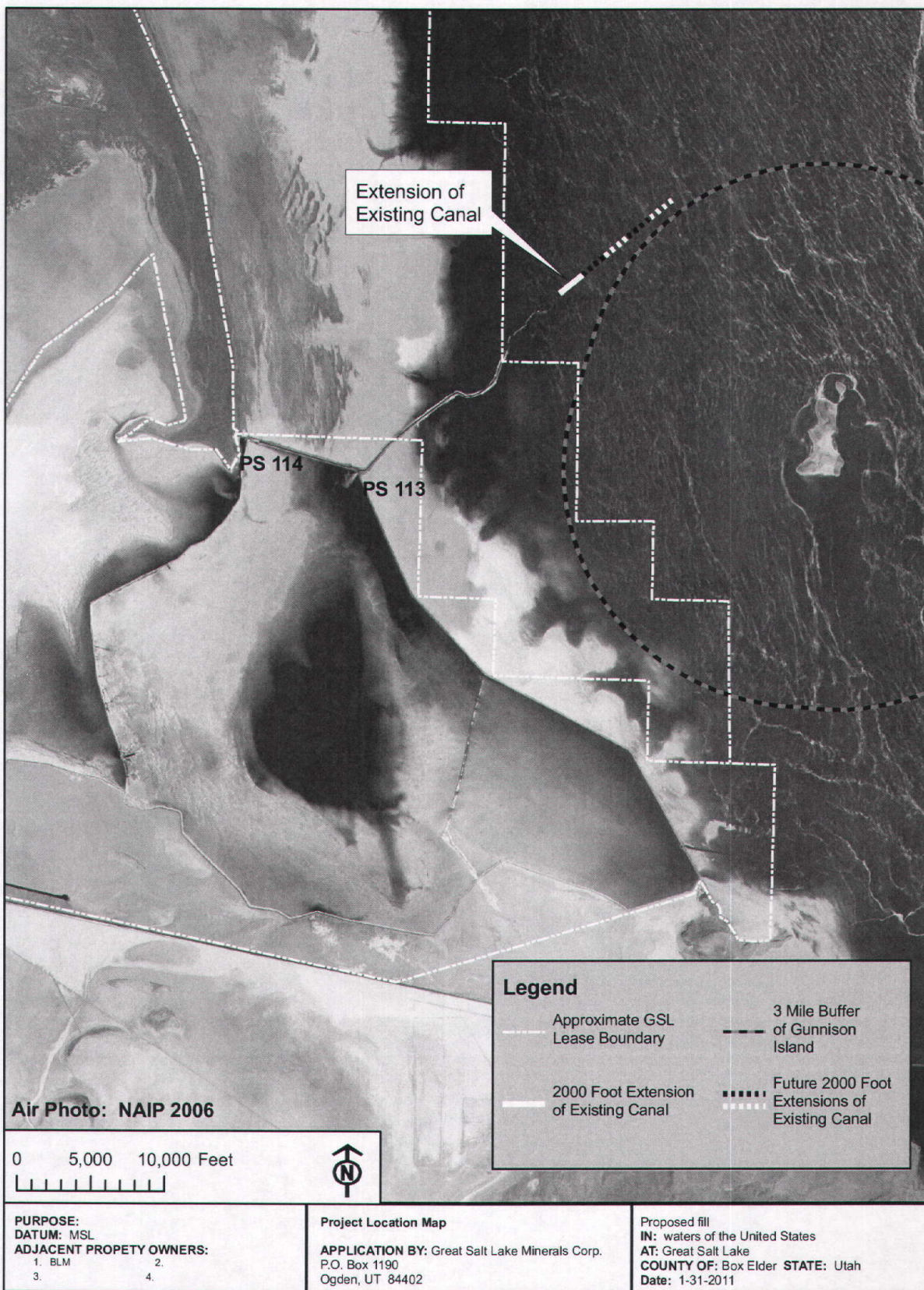


**PURPOSE:**  
**DATUM:** MSL  
**ADJACENT PROPERTY OWNERS:**  
 1. BLM 2.  
 3. 4.

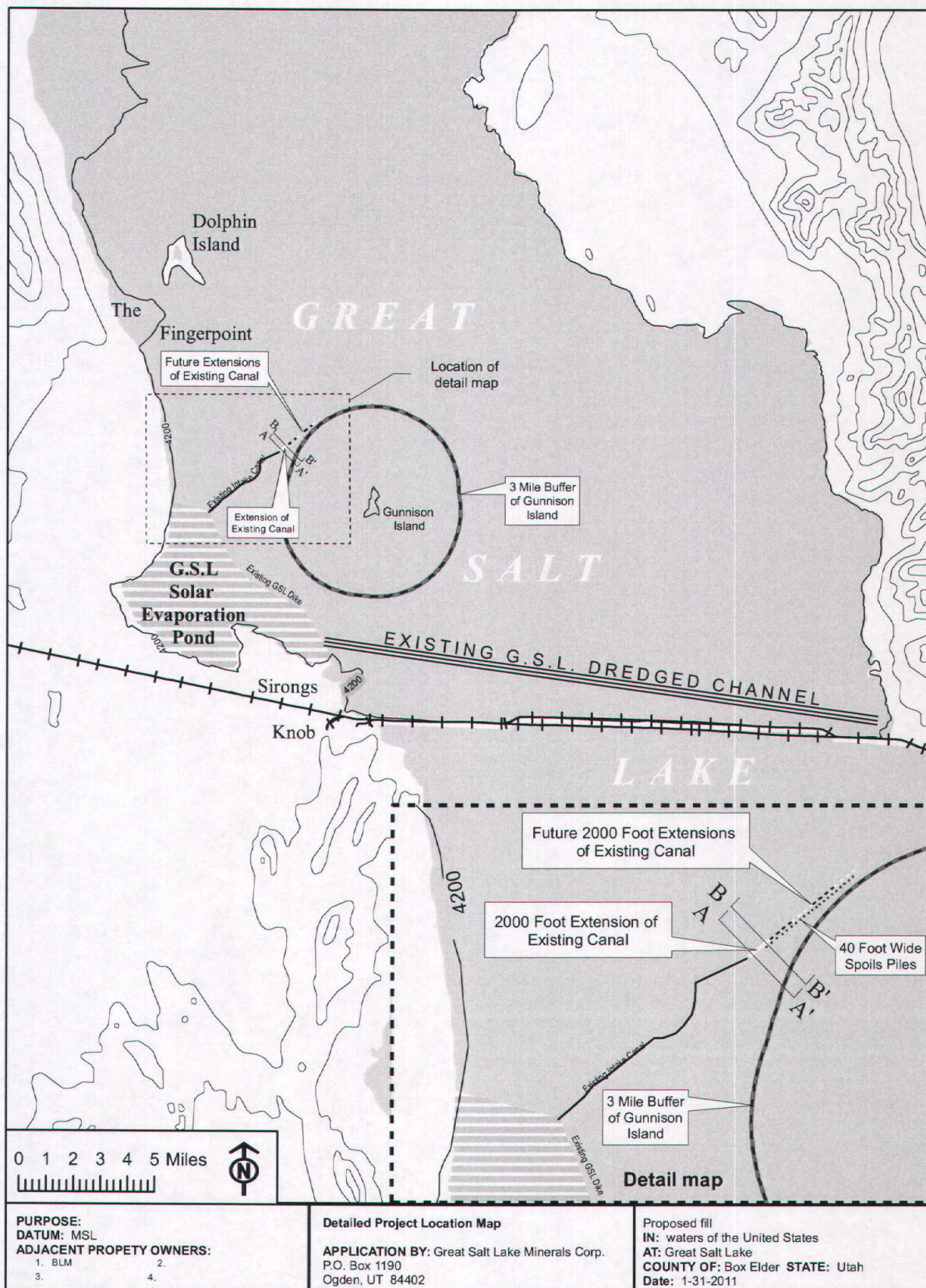
**Project Vicinity Map**  
**APPLICATION BY:** Great Salt Lake Minerals Corp.  
 P.O. Box 1190  
 Ogden, UT 84402

**Proposed fill**  
**IN:** waters of the United States  
**AT:** Great Salt Lake  
**COUNTY OF:** Box Elder **STATE:** Utah  
**Date:** 1-31-2011

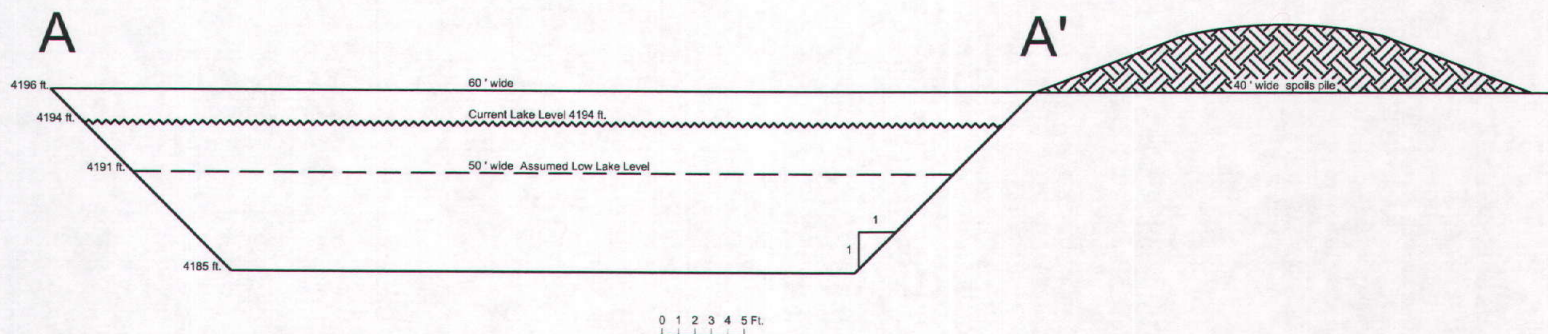






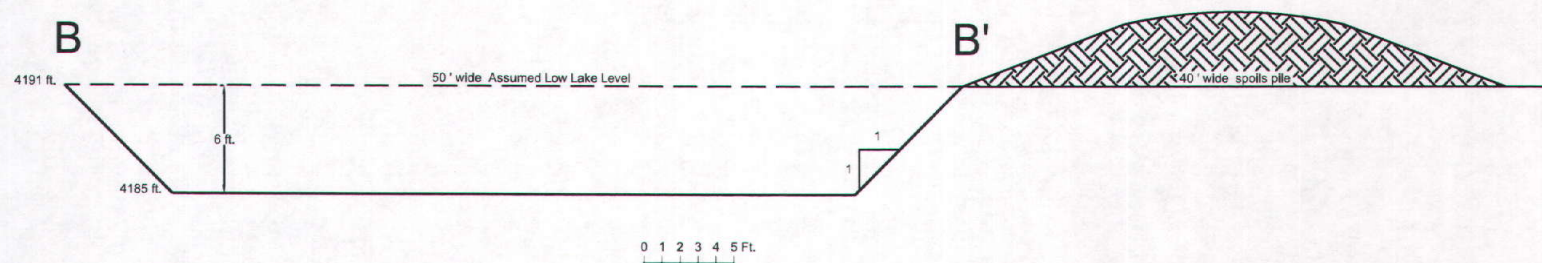






<b>PURPOSE:</b> <b>DATUM:</b> MSL <b>ADJACENT PROPERTY OWNERS:</b> <ol style="list-style-type: none"> <li>1. BLM</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<b>Section A-A', Typical Intake Canal Excavation</b>  <b>APPLICATION BY:</b> Great Salt Lake Minerals Corp. P.O. Box 1190 Ogden, UT 84402	<b>Proposed fill</b> <b>IN:</b> waters of the United States <b>AT:</b> Great Salt Lake  <b>COUNTY OF:</b> Box Elder <b>STATE:</b> Utah <b>DATE:</b> 1-31-2011
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**PURPOSE:**

**DATUM:** MSL

**ADJACENT PROPERTY OWNERS:**

1. BLM
- 2.
- 3.
- 4.

**Section B-B', Typical Intake Canal Excavation**

**APPLICATION BY:** Great Salt Lake Minerals Corp.  
P.O. Box 1190  
Ogden, UT 84402

**Proposed fill**

**IN:** waters of the United States  
**AT:** Great Salt Lake

**COUNTY OF:** Box Elder **STATE:** Utah  
**DATE:** 1-31-11